



STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

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Hearing Program
Docket No. 470
Thursday, November 3, 2016
11 a.m.
Hearing Room 1
Ten Franklin Square
New Britain, Connecticut

I. Opening by Council

A. Statement read by Chair.

B. Comments by Public Official(s) (if any)

C. Motions

1. Request from the Sierra Club for Party and CEPA Intervenor Status, dated October 25, 2016
2. Sierra Club Request for Pre-filed Administrative Notice Items, dated October 27, 2016
3. Request from the Connecticut Fund for the Environment for Party Status, dated October 26, 2016
4. Connecticut Fund for the Environment Motion to Dismiss NTE's Application with a Memorandum of Law in Support, dated November 2, 2016.
 - NTE Connecticut, LLC's Objection to Connecticut Fund for the Environment's Motion to Dismiss NTE's Application, dated November 3, 2016
5. Request from the Wyndham Land Trust, Inc., for Party and CEPA Intervenor Status, dated October 27, 2016
6. NTE Connecticut, LLC's Motion for Protective Order regarding Responses 1, 3, 4, 5, 8, 10, and 11 to NAPP's Interrogatories, dated October 27, 2016
7. NTE Connecticut, LLC's Appeal of and Responses to the Municipal Regulate and Restrict Orders, dated October 27, 2016
8. NAPP's Request for Clarification Regarding the November 3, 2016 Evidentiary Hearing Procedures, dated October 31, 2016
9. NAPP's Motion for Stay and/or to Dismiss the Application of NTE Connecticut, LLC in Docket No. 470, dated November 1, 2016.
 - NTE Connecticut, LLC's Objection to NAPP's Motion for Stay and/or to Dismiss the Application of NTE Connecticut, LLC in Docket No. 470, dated November 2, 2016
10. NAPP's Motion to Further Extend the Pre-filed Testimony Deadline of NAPP's Energy Needs Expert, dated November 2, 2016

D. Administrative Notice taken by Council

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1. NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, *EMF, Electric and Magnetic Fields Associated with the Use of Electric Power*, (June 2002), available at http://www.niehs.nih.gov/health/materials/electric_and_magnetic_fields_associated_with_the_use_of_electric_power_questions_and_answers_english_508.pdf#search=EMF,%20electric%20power

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8. UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, *National Register of Historic Places*, July 2010, available at <http://www.nps.gov/history/nr/research/index.htm>
9. UNITED STATES DEPARTMENT OF ENERGY, FEDERAL ENERGY REGULATORY COMMISSION AND THE NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION, *Report on Transmission Facility Outages During the Northeast Snowstorm of October 29-30, 2011 – Causes and Recommendations*, available at <http://ferc.gov/legal/staff-reports/05-31-2012-ne-outage-report.pdf>
10. UNITED STATES QUADRENNIAL ENERGY REVIEW TASK FORCE, *Quadrennial Energy Review: Energy Transmission, Storage, and Distribution Infrastructure*, April 2015, available at <http://energy.gov/epa/downloads/quadrennial-energy-review-full-report>
11. U.S. FISH AND WILDLIFE SERVICE, Final 4(d) Rule for the Northern Long-eared Bat, January 14, 2016, available at <https://www.fws.gov/Midwest/endangered/mammals/nleb/pdf/FRnlebFinal4dRule14Jan2016.pdf>
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14. UNITED STATES CENSUS BUREAU, AMERICAN FACT FINDER available at <http://factfinder.census.gov/faces/tableservices/jsf/pages/index.xhtml>

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34. CONNECTICUT SITING COUNCIL, DOCKET NO. 187 - PDC - El Paso Milford LLC for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of the proposed Milford Power Project located off of Oronoque Road in Milford, Connecticut. Record and Final Decision.
35. CONNECTICUT SITING COUNCIL, DOCKET NO. 187A - Milford Power Company, LLC Certificate of Environmental Compatibility and Public Need for the Milford Power Project located off of Oronoque Road in Milford, Connecticut. Reopening of this docket pursuant to Connecticut General Statutes § 4-181a(b) to Modify the Decision and Order in Docket 187 to Allow Milford Power Company, LLC to Suspend its Backup Fuel System Based on Changed Conditions the attachment of conditions to the certificate consistent with the findings and recommendations contained in the Final Report issued by the Kleen Energy Plant Investigation Review Panel and the recommendations of the Thomas Commission. Record and Final Decision.
36. CONNECTICUT SITING COUNCIL, DOCKET NO. 189 - Lake Road Generating Company L.P. Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a proposed electric generating facility located off of Lake Road in Killingly, Connecticut. Record and Final Decision.
37. CONNECTICUT SITING COUNCIL, DOCKET NO. 189A – Lake Road Generating Company Certificate of Environmental Compatibility and Public Need for an electric generating facility located off of Lake Road in Killingly, Connecticut. Reopening of this docket pursuant to Connecticut General Statutes § 4-181a(b) to Modify the Decision and Order in Docket 189 to Allow Lake Road Generating Company to Suspend its Backup Fuel System Based on Changed Conditions. Record and Final Decision.
38. CONNECTICUT SITING COUNCIL, DOCKET NO. 190 - PDC - El Paso Meriden LLC for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of the proposed Meriden Power Project located in the City of Meriden and the Town of Berlin, Connecticut. Record and Final Decision.

39. CONNECTICUT SITING COUNCIL, DOCKET NO. 190A - Meriden Gas Turbines, LLC Certificate of Environmental Compatibility and Public Need for the construction, maintenance, and operation of a 530 MW combined cycle generating plant in Meriden, Connecticut. Reopening of this docket pursuant to Connecticut General Statutes § 4-181a(b) limited to Council consideration of changed conditions and of the attachment of conditions to the certificate consistent with the findings and recommendations in the Final Report issued by the Kleen Energy Plant Investigation Review Panel (Nevas Commission) and the findings and recommendations in the Executive Report issued by the Thomas Commission. Record and Final Decision.
40. CONNECTICUT SITING COUNCIL, DOCKET NO. 190B - Meriden Gas Turbines, LLC Certificate of Environmental Compatibility and Public Need for a 530 MW combined cycle generating plant in Meriden, Connecticut. Reopening of this docket pursuant to Connecticut General Statutes § 4-181a(b) limited to Council consideration of changed conditions and Decommissioning Plan. Record and Final Decision.
41. CONNECTICUT SITING COUNCIL, DOCKET NO. 192B - CPV Towantic, LLC Motion to Reopen and Modify the June 23, 1999 Certificate of Environmental Compatibility and Public Need based on changed conditions pursuant to Connecticut General Statutes §4-181a(b) for the construction, maintenance and operation of a 785 MW dual-fuel combined cycle electric generating facility located north of the Prokop Road and Towantic Hill Road intersection in the Town of Oxford, Connecticut. Record and Final Decision.
42. CONNECTICUT SITING COUNCIL, DOCKET NO. 370 - The Connecticut Light & Power Company Certificate of Environmental Compatibility and Public Need for the Connecticut portion of the Greater Springfield Reliability Project that traverses the municipalities of Bloomfield, East Granby, and Suffield, terminating at the North Bloomfield Substation. Record and Final Decision.
43. CONNECTICUT SITING COUNCIL, DOCKET NO. NT-2010 - Reopening of final decisions pursuant to C.G.S. §4-181a(b) for jurisdictional natural gas-fired electric generating facilities under C.G.S. §16-50i(a)(3) and C.G.S. §16-50k(a) limited to Council consideration of changed conditions and the attachment of conditions to the certificates and declaratory rulings consistent with the findings and recommendations in the Final Report issued by the Kleen Energy Plant Investigation Review Panel (Nevas Commission) and the findings and recommendations in the Executive Report issued by the Thomas Commission, *available at* <http://www.ct.gov/csc/cwp/view.asp?a=962&q=467870>
44. CONNECTICUT SITING COUNCIL, PETITION NO. 377 - United Illuminating declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for modifications to the Bridgeport Harbor Station facility in Bridgeport. Record and Final Decision.
45. CONNECTICUT SITING COUNCIL, PETITION NO. 377A - Bridgeport Energy, LLC declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the approval modification in Petition No. 377 for the existing Bridgeport Harbor Station 520 MW combined cycle gas turbine generating facility, in Bridgeport, Connecticut. Record and Final Decision.
46. CONNECTICUT SITING COUNCIL, PETITION NO. 1072 – Algonquin Gas Transmission, LLC Declaratory Ruling Regarding the Jurisdiction of the Connecticut Siting Council over the construction or replacement of natural gas pipeline facilities in the towns of Danbury, Cromwell/Rocky Hill, Lebanon/Franklin/Norwich and Montville, Connecticut; modifications to compressor stations in the towns of Oxford, Cromwell and Chaplin Connecticut; modifications to metering stations in the towns of Berlin, Danbury, Farmington, Glastonbury, Guilford, Middletown, Montville, North Haven, Norwich, Plainville, Pomfret, Putnam, Southbury, Vernon and Windham, Connecticut; and for recommendations regarding siting, environmental mitigation measures, and construction procedures to the Federal Energy Regulatory Commission.

47. CONNECTICUT SITING COUNCIL, PETITION NO 1217– Eversource Energy declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed separation of the existing 1779/1777 115 kilovolt (kV) electric transmission lines for 1.6 miles within existing right of way from Bloomfield Substation to Bloomfield Junction; proposed separation of the existing 1751/1777 115kV electric transmission lines for 5.3 miles within existing right of way from Bloomfield Junction to North Bloomfield Substation; modifications to the existing overhead 1779 115 kV electric transmission line to loop into the Rood Avenue Substation via underground cables; including related transmission line structure improvements; and modifications to the Bloomfield Substation, 40 Crestview Drive and North Bloomfield Substation, 2 Hoskins Road both in Bloomfield, Connecticut and modifications to the Rood Avenue Substation located at 275 Rood Avenue, Windsor, Connecticut. Record (Separation of Double Circuit)
48. CONNECTICUT SITING COUNCIL, PETITION NO 1218 - PSEG Power Connecticut LLC petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the construction, maintenance, and operation of a new 485 megawatt (MW) dual fuel combined-cycle electric generating facility at the existing Bridgeport Harbor Station located at 1 Atlantic Street, Bridgeport, Connecticut. Record and Final Decision.
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50. *Red Hill Coalition, Inc. v. Town Planning and Zoning Commission of the Town of Glastonbury*, 212 Conn. 727 (1989)
51. *Town of Middlebury, et al v. Connecticut Siting Council*, 2016 Conn. Super. LEXIS 84 (Conn. Super. Ct. 2016), *appeal docketed*, No. SC19799 (Conn. October 18, 2016).
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53. CONNECTICUT SITING COUNCIL ENERGY/TELECOMMUNICATIONS REGULAR MEETING MINUTES, September 29, 2016.
54. CONNECTICUT SITING COUNCIL ENERGY/TELECOMMUNICATIONS REGULAR MEETING MINUTES, October 13, 2016.

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MAPS

94. UNITED STATES DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, *Interactive National Heritage Areas Map*, available at <https://www.nps.gov/maps/full.html?mapId=01a03739-ab0c-40eb-bc3d-6791d3bb67fa>
95. STATE OF CONNECTICUT, DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Natural Diversity Database Map for the Towns of Killingly, Putnam, and Pomfret*, last updated June 2016, available at <http://www.depdata.ct.gov/naturalresources/endangered/species/nddbpdfs.asp>
96. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Northern long-eared bat areas of concern in Connecticut to assist with Federal Endangered Species Act Compliance*, last updated February 1, 2016, available at http://www.ct.gov/deep/lib/deep/endangered_species/images/nleb_approved2_16.pdf
97. STATE OF CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, *Aquifer Protection Area Maps for State of Connecticut, Town of Killingly and Town of Putnam*, last updated August 1, 2016, available at <http://www.ct.gov/deep/cwp/view.asp?a=2685&q=322248>
98. UNIVERSITY OF CONNECTICUT, CONNECTICUT ENVIRONMENTAL CONDITIONS ONLINE, *Connecticut Critical Habitats and Open Space*, last updated November 28, 2012, available at <http://cteco.maps.arcgis.com/home/item.html?id=a1bf59798c5b45a98aeab97dafd60b9>
99. CONNECTICUT FOREST & PARK ASSOCIATION, *Connecticut Walk Book East*, Ann T. Colson & Cindi D. Pietrzyk, eds., 19th ed. 2005, available at <http://www.ctwoodlands.org/taxonomy/term/15>
100. STATE OF CONNECTICUT, DEPARTMENT OF TRANSPORTATION, *Connecticut Official State Tourism Map*.
101. NATIONAL AUDUBON SOCIETY, *Connecticut Important Bird Areas*, last updated June 25, 2015, available at <http://ct.audubon.org/important-bird-areas-11>
102. Mail-A-Map Street Map, Putnam and Pomfret, available at <http://mailamap.com/street-maps>
103. UNITED STATES GEOLOGICAL SURVEY, Connecticut Topographic Map Collection (East Killingly, 1974, Quadrangle 44; Putnam, 1970, Quadrangle 28; Thompson, 1974, Quadrangle 29; Danielson, 1970, Quadrangle 43), available at http://magic.lib.uconn.edu/topographic_maps.html

E. State Agency comments

1. Department of Transportation, dated September 15, 2016
2. Department of Public Health, Drinking Water Section, dated October 24, 2016

F. Municipal comments

1. Pomfret Conservation Commission, dated August 14, 2016

G. Public Official Comments

1. State Senator Mae Flexer, dated October 20, 2016
2. State Representative Danny Rovero, dated October 25, 2016

II. Appearance by Applicant

Applicant: NTE Connecticut, LLC

Representatives: Kenneth C. Baldwin, Esq.
Earl W. Phillips, Jr., Esq.
Robinson & Cole LLP

A. Administrative Notice.

1. ISO-New England-2016 Regional Electricity Outlook (https://www.iso-ne.com/static-assets/documents/2016/03/2016_reo.pdf).
2. ISO-New England – The Transformation of the New England Power System: Infrastructure Needs and Market Implications, September 28, 2016 (https://www.iso-ne.com/static-assets/documents/2016/09/gvw_nec_9_28_2016.pdf).
3. ISO-New England -Master Forward Capacity Auction #11 Schedule, Revised August 6, 2015.
4. PowerMarketsToday - ISO-NE tells FERC gas situation OK this winter, October 21, 2016 (<http://www.powermarketstoday.com/public/ISONE-tells-FERC-gas-situation-OK-this-winter.cfm>).
5. ISO-New England - State of the Grid: Managing a System in Transition, January 21, 2015 (https://www.iso-ne.com/static-assets/documents/2015/01/stateofgrid_presentation_01212015.pdf).
6. ISO-New England - ISO-NE Capacity Auction Secures Sufficient Power System Resources, At a Lower Price, for Grid Reliability in 2019-2020, February 11, 2016 (https://www.iso-ne.com/static-assets/documents/2016/02/20160211_fca10_initialresul_final.pdf).
7. Andrew Coffman Smith, S&P Global, ISO New England's van Welie warns energy crunch, green push could lead to blackouts, October 10, 2016 (<https://www.snl.com/InteractiveX/articleabstract.aspx?id=37939124&KPLT=8>).
8. ISO-New England -Overview of the Forward Capacity Market ("FCM").
9. ISO-New England -Introduction to ISO New England, October 1, 2015.

B. Exhibits for Identification.

1. Application for a Certificate of Environmental Compatibility and Public Need filed by NTE Connecticut, LLC, received August 17, 2016, and attachments and bulk file exhibits including:

Bulk file exhibits:

- a. Technical Report, dated May 3, 2016
 - b. Town of Killingly Zoning Regulations
 - c. Town of Killingly Plan of Conservation and Development
 - d. Town of Killingly Inland Wetlands and Watercourses Regulations
2. NTE's Affidavit of Publication, dated August 24, 2016
 3. NTE's Redacted Option Agreement, dated August 25, 2016
 4. NTE's Option Agreement (subject to Protective Order dated September 15, 2016), dated August 29, 2016
 5. NTE's Notification Pursuant to C.G.S. § 16-50(e) Pre-Application Municipal Consultation, dated September 1, 2016
 6. NTE's Environmental Justice Plan Submission and DEEP Approval, dated September 28, 2016
 7. NTE's Responses to Council Interrogatories, Set I, dated October 7, 2016
 8. NTE's Response to Council Interrogatory # 68, dated October 13, 2016

9. NTE's Proposed Site Walk Plan, dated October 13, 2016
10. NTE's Updated "Attachment 7" to the Notification Pursuant to C.G.S. §16-50(e) Pre-application Municipal Consultation, dated October 13, 2016
11. NTE's Sign Posting Affidavit, dated October 13, 2016
12. NTE's Power Point Presentation from the October 20, 2016 Public Comment Session, dated October 24, 2016
13. NTE's Witness Resumes, received October 27, 2016
 - a. Mark Mirabito
 - b. Tim Eves
 - c. Michael Bradley
 - d. Chris Rega
 - e. Lynn Gresock
 - f. Frederick Sellars
 - g. Norm Thibeault
 - h. George Logan
 - i. Ethan Paterno
 - j. Mason Smith
 - k. Scott Hesketh
 - l. Gary Fuerstenberg
 - m. James Walsh
 - n. Kevin Fowler
14. NTE's Responses to Council Interrogatories, Set II, dated October 27, 2016
15. NTE's Appeal of and Responses to the Municipal Regulate and Restrict Orders, dated October 27, 2016
16. NTE's Redacted Responses to Not Another Power Plant's (NAPP) Interrogatories, dated October 27, 2016
17. NTE's Motion for Protective Order Regarding Responses 1, 3, 4, 5, 8, 10, and 11 to NAPP's Interrogatories, Protective Order, Non-Disclosure Agreement, Affidavit of Mark Mirabito and Affidavit of Ethan Paterno, dated October 27, 2016
18. Tetra Tech Memorandum to James Grillo, Connecticut Department of Energy and Environmental Protection Regarding Additional Killingly Energy Center Updates, dated November 2, 2016

C. Swear Witnesses

1. Mark Mirabito, Vice President, NTE Connecticut, LLC
2. Tim Eves, Senior Vice President, NTE Energy Services Company, LLC
3. Michael Bradley, Senior Vice President, NTE Energy Services Company, LLC
4. Chris Rega, SVP, NTE Energy Services Company, LLC
5. Lynn Gresock, Vice President - Energy Department, Tetra Tech
6. Frederick Sellars, Vice President, Tetra Tech
7. Norm Thibeault, Principal/Partner, Killingly Engineering Associates
8. George Logan, Principal Environmental Scientist/Senior Ecologist, REMA Ecological Services
9. Ethan Paterno, Managing Consultant, PA Consulting
10. Mason Smith, Managing Consultant, PA Consulting
11. Scott Hesketh, Manager of Transportation Engineering
12. Gary Fuerstenberg, Senior Project Manager/Senior Geotechnical Engineer, Haley and Aldridge
13. James Walsh, Project Manager and Supervising Engineer, Mott McDonald
14. Kevin Fowler, Senior Acoustic Engineer, Tetra Tech

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. NAPP (Attorney Bashaw)
3. Town of Killingly (Mr. Hendricks)

III. Appearance by Party and CEPA Intervenor: Not Another Power Plant (NAPP)

Representatives: John Bashaw, Esq.
Mary Mintel Miller, Esq.
Reid and Riege, P.C.

A. Administrative Notice.

1. Vision 2020 - The Next Ten Years, The Last Green Valley, Inc., 2010
2. Feasibility Evaluation for New Industrial Park Location, Lake Road, Killingly, Connecticut, prepared for the Town of Killingly by Vanasse Hangen Brustlin, Inc., October 2014
3. DEEP Press Release (Oct. 25, 2016) – DEEP Announces Action on Energy Procurement RFP's: Natural Gas RFP Canceled - Clean Energy Projects Selected to Move to Next Stage, October 25, 2016
4. Town of Killingly, Zoning Regulations, *available at* <http://www.killingly.org/planning-development/pages/killingly-town-zoning-regulations>
5. Town of Killingly, Regulations for the Protection and Preservation of Inland Wetlands and Watercourses, *available at* <http://www.killingly.org/inland-wetlands-watercourses-commission/pages/inland-wetlands-watercourses-regulations>

B. Exhibits for Identification.

1. NAPP's Request for Party and CEPA Intervention Status, dated September 14, 2016
2. NAPP's List of Members, dated October 13, 2016
3. NAPP's Prefiled Testimony, dated October 27, 2016
 - a. Testimony of Karen Johnson, NAPP Member
 - b. Testimony of Jason Anderson, NAPP Member
 - c. Testimony of Charlotte Desautels, NAPP Member
 - d. Testimony of Carolyn Johnston, NAPP Member
4. Map of Surrounding Power Plants and Other Major Air Sources (Northeast CT)

C. Swear Witnesses

1. Karen Johnson, NAPP Member
2. Jason Anderson, NAPP Member
3. Charlotte Desautels, NAPP Member
4. Carolyn Johnston, NAPP Member
5. Robert Fagan, Synapse Energy Economics

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. NTE Connecticut, LLC (Attorney Baldwin)
3. Town of Killingly (Mr. Hendricks)

IV. Appearance by Party: Town of Killingly
Representative Sean Hendricks
Town Manager

A. Administrative Notice.

B. Exhibits for Identification.

1. Town of Killingly Request for Party Status, dated September 15, 2016
2. TRC Environmental Corporation's Recommendations for CSC Conditions and Third Party Document Review with Killingly Energy Center's Response to the Third-Party Document Review attached, submitted October 13, 2016
3. Town of Killingly Planning and Zoning Commission Order of Regulations and Restrictions Pursuant to C.G.S. §16-50x, dated October 12, 2016
4. Town of Killingly Inland Wetlands and Watercourses Commission Order of Regulations and Restrictions Pursuant to C.G.S. §16-50x, dated October 12, 2016.

C. Swear Witnesses

1. Carl Stopper, TRC Environmental Corporation

D. Full Exhibits - Verification of exhibits by witnesses and admission by the Council.

E. Cross Examination.

1. Council
2. NTE Connecticut, LLC (Attorney Baldwin)
3. NAPP (Attorney Bashaw)

V. Closing/Continuation by Connecticut Siting Council.